

No. 9(1) 81-8Lab/4085.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Plasto Chem Engineers Sector 24, Faridabad.

IN THE COURT OF SHRI ISHWAR PRASAD CHAUDHRY, PRESIDING OFFICER, LABOUR COURT HARYANA, FARIDABAD.

Reference No. 563 of 1980

between

SHRI SARAT CHANDRA, WORKMAN AND THE MANAGEMENT OF M/S PLASTO CHEM ENGINEERS, SECTOR 24, FARIDABAD.
NONE FOR THE PARTIES.

AWARD

This reference No. 563 of 1980 has been referred to this court by the Hon'ble Governor of Haryana.—*vide* his order No. ID/FD/135-80/60162, dated 15th December, 1980 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Sarat Chandra, workman and the management of M/s. Plasto Chem Engineers, Sector 24, Faridabad. The term of the reference was:—

Whether the termination of services of Shri Sarat Chandra was justified and in order ? If not, to what relief is he entitled ?

After receiving this reference notices were sent to both the parties, for 27th January, 1981, but on that date of hearing none was present from the side of either party. Service of the notice was effected on the workman, but service of the notice was not effected on the management as there is a report on the notice by the peon of this court that there exists no factory on the address given in the reference.

In these circumstances, when the workman is not present in the court to pursue his reference, it is very difficult for this court to get correct address of the management. So I hold that there is no dispute between the workman and the management because the workman is not interested to pursue his reference. This be read in answer to this reference.

Dated the 31st March, 1981

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana, Faridabad.

Endorsement No. 718, dated 31st March, 1981.

Forwarded (four copies) to the Commissioner & Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Dispute Act.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana, Faridabad.

No. 9 (1) 81-8 Lab/4088.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s J. L. Arora, Tractor Transport Contractor, Escorts Ltd., 18/4, Mathura Road, Faridabad (ii) Escorts Ltd., 18/4, Mathura Road, Faridabad.

IN THE COURT OF SHRI ISHWAR PRASAD CHAUDHRY, PRESIDING OFFICER, LABOUR COURT, HARYANA FARIDABAD

Reference No. 46 of 1981

between

SHRI DHANI RAM NAGAR, WORKMAN AND THE MANAGEMENT OF M/S. (i) J. L. ARORA, TRACTOR TRANSPORT CONTRACTOR, ESCORTS LTD., 18/4, MATHURA ROAD, FARIDABAD (ii) ESCORTS LTD., 18/4, MATHURA ROAD, FARIDABAD.

Present :—

Shri Dhani Ram workman in person.

Shri J. R. Arora, respondent No. 1.

Shri N. S. Ratra for the respondent No. 2.

AWARD

This reference No. 46 of 1981 has been referred to this court by the Hon'ble Governor of Haryana.—*vide* his order No. ID/FD/265-80/4228, dated 23th January, 1981 under section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Dhani Ram Nagar, workman and the management of M/s. (i) J. L. Arora, Tractor Transport Contractor, Escorts Ltd., 18/4, Mathura Road, Faridabad (ii) Escorts Ltd., 18/4, Mathura Road, Faridabad. The term of the reference was :—

Whether the termination of services of Shri Dhani Ram Nagar was justified and in order ? If not, to what relief is he entitled ?

After receiving this reference notices were sent to the parties for 25th February, 1981, but none appeared from the side of the workman. Although the service of the notice was effected on the workman. So I proceeded *ex parte* against the workman, and the case was fixed for *ex parte* evidence of the management for 6th March, 1981 but on 9th March, 1981, the workman appeared and *ex parte* order passed against the workman was set aside. On the same day the parties wanted to make their statements and their statements were recorded. Shri Dhani Ram Nagar, workman concerned stated that the respondent No. 1 had never terminated his services and he was still working with the respondent on temporary basis. He further stated that he had no dispute with the respondent No. 1 and 2. The workman stated that he did not want to pursue this reference. Shri J. R. Arora, respondent No. 1 stated that he had heard the statement of Shri Dhani Ram Nagar, which was correct. He further stated that the workman was still working as driver on temporary basis and the services of the workman was never terminated by the respondent No. 1.

In the light of the above statement made by the parties, I hold that there is now no dispute between the parties. No order as to costs.

This be read in answer to this reference.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana, Faridabad.

Dated 30th March, 1981

Endstt. No. 717, Dated the 31st March, 1981

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana, Faridabad.

No. 9 (1) 81-8Lab/4098.- In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Celestial Engineering Works (P) Ltd., Plot No. 44, Sector-4, Ballabgarh.

IN THE COURT OF SHRI ISHWAR PRASAD CHAUDHRY, PRESIDING OFFICER,
LABOUR COURT, HARYANA, FARIDABAD.

Reference No. 564 of 1980

between

SHRI MAHESH KUMAR WORKMAN AND THE MANAGEMENT OF M/S CELESTIAL
ENGINEERING WORKS (P) Ltd., PLOT NO. 44, SECTOR-4, BALLABGARH,

Present :—

Workman in person with Shri Darshan Singh.

Shri R. C. Sharma and Shri Satish Ahuja for the management.

AWARD

This reference No. 564 of 1980 has been referred to this court by the Hon'ble Governor of Haryana.—*vide* his order No. ID/FD/126-80/60174, dated 15th December, 1980 under section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Mahesh Kumar and the management of M/s. Celestial Engineering Works (P) Ltd., Plot No. 44, Sector-4, Ballabgarh. The term of the reference was :—

Whether the termination of services of Shri Mahesh Kumar was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were sent to the parties. The parties appeared. On 9th March, 1981 the last date of hearing, the workman Shri Mahesh Kumar made a statement on

oath that he had settled his dispute with the respondent management and also received Syndicate Bank, Faridabad Bank Check No. V/18/685246 dated 10th March, 1981 amounting to Rs. 1700/- (Rs. One thousand & seven hundred only) in full and final settlement of his all claims or dispute including the right of re-instatement or re-employment. He further stated that now there was no dispute left with the respondent Company. This statement was duly agreed to by the representative of the management. This payment was made to the workman in this court.

In view of the statements given by the parties, I give my award that there is now no dispute between the parties as the parties have settled the dispute. No order as to costs. So this award is in answer of this reference.

Dated : the 30th March, 1981

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana, Faridabad,

Endorsement No. 706, Dated 31st March, 1981.

Forwarded (four copies) to the Commissioner & Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the above said award may please be acknowledged within week's time.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana, Faridabad.

The 1st May, 1981

No. 9(1)-81-8Lab/3310.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Good Year India Ltd., Ballabgarh :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 246 of 1976
between

THE WORKMAN AND THE MANAGEMENT OF M/S GOOD YEAR INDIA LTD.,
BALLABGARH

Present:—

Shri R. N. Roy, for the workman

Shri O. P. Mehta, Shri Sat Pal and K. L. Khurana, for the management.

AWARD

By order No. ID/FB/19-D-76/43366, dated, 23rd November, 1976, the Governor of Haryana referred the following dispute between the management of M/s Goodyear India Limited, Ballabgarh and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the Contract Labour System in respect of security guards should be abolished? If so, with what details?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the following issues were framed on 30th September, 1977.

1. Whether the reference is invalid in view of contract Labour (Regulation and Abolition Act, 1970) ?

The case was fixed for the evidence of the parties. The workman examined Shri V. K. Sachar, President Goodyear Employees Union, Ballabgarh as W.W. 1 who stated that the State Advisory Board under the contract Labour (Regulation and Abolition) Act, 1970 had not been constituted. In cross examination, he stated that although he had also written a letter formerly but his information is oral and he was told by Shri Dharminder Nath, Labour-cum-Conciliation Officer that such Board had not been constituted and that it was a period of 2 or 2½ years back, the workmen closed his case.

Then the case was fixed for the evidence of the management. The representative for the management stated that he did not want to adduce any evidence and I close their case.

Then the case was fixed for arguments. Arguments were heard at length.

The representative for the workmen argued that it is an industrial dispute which can be decided by this Tribunal, and that the contract Labour (Regulation and Abolition) Act did not bar the dispute and that the above said advisory board has not been formed and the said Act does not provide to settle the dispute between the parties. He relied on 1960-11LLJ page 233, 1966-1-LLJ, page 717, 1967-11-LLJ, page 23. The representative for the management argued that the abolition of contract Labour should be done for the reasons given in the Act. He admitted that it is an industrial dispute but argued that when a provision has been made by a special Act, then a special Act has to prevail and not the general law. He cited 1971-11-LLJ page 567. I have gone through the relevant provisions in this Act, i. e. the Contract Labour (Regulation and Abolition Act 1970), it provides for Regulation of Contract Labour by a State Advisory Board. The Contract Labour System is still in force in this management and, therefore the reference is with respect to abolition thereof. I can not rely on an oral Statement of W. W. I that such state advisory board has not been constituted. Even if it has not been constituted, the union may move the Government for its constitution. But I find that such a Board has been recently constituted by the Haryana Government and a notification has appeared in the *Haryana Government Gazette*.

As the contract Labour (Regulation and Abolition Act, 1970) is a special statute and it provides for regulation of Contract Labour System by the State Advisory Board and such a Board has been constituted, I think it proper not to proceed with this reference any further. The interested party may move the State Advisory Board for a redress of their grievances and find the solution there. In answering the reference, I give my award that the dispute may be got decided by the State advisory Board constituted under the Contract Labour (Regulation and Abolition Act, 1970)

Dated the 31st July, 1978.

NATHU RAM SHARMA,
Presiding Officer, Industrial Tribunal,
Haryana, Faridabad.

No. 680, dated 1st August, 1978.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments Chandigarh as under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer, Industrial Tribunal,
Haryana, Faridabad.

H. L. GUGNANI, for Comm. and Secy.

PUBLIC WORKS DEPARTMENT
BUILDINGS AND ROADS BRANCH,
CHANDIGARH CIRCLE

The 8th May, 1981

No. SE/PWD/B & R/Chandigarh/126/R.—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by the Government, at public expense, for a public purpose, namely, for Construction of Link road G. M. D. road to Shergarh to Dayalgarh road in Tehsil Jagadhri In District Ambala, it is hereby notified that the land described in the specification below is required for the above purpose.

This notification is made under the provision of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section the Governor of Haryana, is pleased to authorise the officers, for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do other acts required or permitted by that section.

Any person interested in the above land, who has any objection to the acquisition of any land in the locality may within 30 days of the publication of this notification file an objection in writing before the Land Acquisition Collector No. 1, Haryana, P. W. D., B. & R., Branch, Ambala Cantt.

SPECIFICATIONS

District	Tehsil	Locality/ Village	Hadbast No.	Area in Acres	Khasra Nos.
Ambala	Jagadhri	Shergarh	248	2.02	2, 3, 5 25, 21/1, 21/2, 1, 6 5/1, 5/2, 5/3, 6, 15, 14, 17, 18/1,
					6 18/2, 19/2, 21/2, 21/1, 22, 23, 26/1, 26/2, 27, 28
					17 23, 24/1, 24/2, 25
					13, 14 36, 3/1, 3/2 37, 43, 42, 41, 45, 49, 50, 54, 56, 58, 59, 60, 61, 62, 30, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99
Do	Do	Dayalgarh	250	1.29	5 16/1, 16/2, 17, 24/1, 24/2, 25/1, 25/2, 8 3, 4, 7, 8/1, 8/2, 9/1, 9/2, 12/1, 8 12/2, 13/1, 19, 20, 22, 16, 21, 22, 25
					Total 3.31

(Sd) . . .

Superintending Engineer,
Chandigarh Circle, Haryana, P. W. D., B. & R. Branch,
Chandigarh.

KARNAL CIRCLE

The 1st May, 1981

No. SE/Karnal Circle/PWD/B&R/785/R.—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by the Government, at public expense, for a public purpose, namely, for construction of constructing Golepur to Bohala Khalsa Road in Karnal District, it is hereby notified that the land to be required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by aforesaid section the Governor of Haryana is pleased to authorise the officers, for time being engaged in undertaking with their servants and workmen to enter upon any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may within 30 days of the publication of this notification, file an objection in writing before the Land Acquisition Collector, P.W.D., B. & R., Ambala Cantt.

SPECIFICATIONS

District	Tehsil	Locality/Village and Hadbast	Area in Acres	Khasra No.
Karnal	Karnal	Golepur	2.02	41 1/1, 1/2, 10 42 5/1, 13/2, 13/3, 13/4, 13/5, 13/6, 13/7 42 14, 15, 17/1, 18/1, 18/2, 19, 22/1, 22/2, 23 48 1, 2, 9, 10, 11 59, 60, 61, 62, 67, 70, 70/1, 72, 79, 80, 82, 86, 87, 89, 95, 106
Karnal	Karnal	Bohala	4.66	17 11, 20 52 5, 6, 15, 16, 17, 21, 22, 24, 26 66 1/1, 1/2, 5/1, 5/5, 5/6, 6, 7, 8 67 1/1, 1/9, 1/16, 1/17, 1/18, 1/24, 1/29, 67 1/34, 1/35, 2, 3 95, 96, 97, 100, 110, 111, 112, 121

The 2nd May, 1981

No. SE/Karnal Circle/PWD/B&R/786/R.—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by the Government, at public expense, for a public purpose, namely, for construction of constructing Pakhana to Sadigpur via Galibkheri Road in Karnal District, it is hereby notified that the land to be required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by aforesaid section the Governor of Haryana is pleased to authorise the officers, for time being engaged in undertaking with their servants and workmen, to enter upon any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may within 30 days of the publication of this notification, file an objection in writing before the Land Acquisition Collector, P.W.D., B. & R., Ambala Cantt.

SPECIFICATIONS

District	Tehsil	Locality/Village and Hadbast	Area in Acres	Khasra No.
Karnal	Karnal	Pakhana,	4.68 48	3 6, 15, 16, 25 4 10, 11, 20, 21

District	Tehsil	Locality/Village and Hadbast	Area in Acres	Khasra No.
Karnal	Karnal	Pakhana 48— concl		9
			1, 10, 11/1, 11/2, 20/1, 20/2, 21 10	15
			5, 6, 15, 16, 25	5, 6, 15, 16, 25 16
			1, 10, 11, 20, 21 23/1, 24/5, 42/26, 43/11, 118, 120, 141, 142, 162, 169, 146	
Karnal	Karnal	Sadigpur,	1.23	14
		50	10, 11/1, 11/2, 20, 21 15	
			5, 6, 15, 16/1, 16/2, 25 21	
			5/1, 5/2, 6/1, 6/2, 15 22	
			1, 10, 1, 10/2, 11 27, 28	
Karnal	Karnal	Galibkheri,	2.92	2 3
		49	24, 25/1, 25/2, 15, 21, 22, 23, 24, 25, 16 4 5	
			11, 20, 21, 1, 10, 11, 20, 21 6	
			1, 2, 3, 4, 5, 6, 15, 16, 25 7 11	
			4, 5, 5, 6 12/1, 18, 19, 20, 21, 17	

The 4th May, 1981

No. SE/Karnal Circle/PWD B&R/787/R.—Whereas it appears to the Governor of Haryana that the land likely to be required to be taken by the Government, at public expenses, for a public purpose, namely, for the construction of constructing Hasanpur to Jhinwerheri Road, it is hereby notified that the land in the locality described below is likely to be required for the above purpose.

This notification is made under the provision of sections 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by aforesaid section the Governor of Haryana is pleased to authorise the officers, for time being engaged in undertaking with their servants and workmen, to enter upon and survey and land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may within 30 days of the publication of this notification, file an objection in writing before the Land Acquisition Collector, No. 1, P.W.D., B. & R., Ambala Cantt.

SPECIFICATION

District	Tehsil	Village	Hadbast No.	Area in Acres	Rectangle	Killa No.
Karnal	Karnal	Haranpur	8 Banger Karnal	1.81	3 22, 23 10 3, 4, 7, 8, 13, 14, 17, 18, 23, 24	

District	Tehsil	Village	Hadbast No.	Area in Acres	Rectangle	Killa No.
Karnal	Karnal	Haranpur— <i>concld</i>	Banger Karnal— <i>concld</i>		14, 3, 4, 7, —, —, 13, —, —, 17, 18, 23, 24	8 8 1 14 1 2 1 2
					19 3, 4, 7, 8, 13, 14, 15, 16	
					20 21 —, —, 22, 20	21 1 2
					26 1, 2, 9, 10, 11, 12, —, —, 21	20 20 1 2, 21
					31 1	
					40, 41, 44, 51, 46, 47, 59, 55, 58	
					—, 56, 57, 97, 98, 99, 100, 101, 1	
					91, 83, 78, 79, 73	
Karnal	Karnal	Jhinwarhaini	6 Banger Karnal	2.28	20 15 —, 16, 25	2 2
					21 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21	
					22 12 12 13 13 13 11, —, —, —, —, —, —, 18, 1 2 1 2 3 19 19 19 19 19 20 20 20 —, —, —, —, —, —, —, —, —, —, 1 2 3 20 20 21 4 5 2 22 23, 26, 27	
					28 9 —, 10	2
					29 4 4 3, —, —, 6, 7, 8, 26	1 2
					30 1, 10, 11, —, —, 20 20 21	1 2, 21
					31 5, 6, 15, —, 25	16 1
					35 5 5 6 6 15 15 17 —, —, —, —, 14, —, —, 16, —, 1 2 1 2 1 2 17 24 24 —, —, —, 2 1 2	17 1
					36 1	
					43 3, 4	
					44 44 44 —, —, —, 51, 52, 53, 54, 55, 1 2 3	75 52
					Total 4.09	60, 64, 65, 66, 68, 71, —, —, 81 to 95, 98, 73, 78, 79